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INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IV #2120085

Subjects: [redacted] **Deputy Sheriff,** [redacted]
Dustin Martin, Deputy Sheriff, [redacted]
Jody A. Smith, Deputy Sheriff, [redacted]

Date: **May 22, 2004, Saturday**

Time: **1340 hours**

Location: **Pitchess Detention Center - North Facility**
29320 The Old Road, Saugus, Ca. 91384

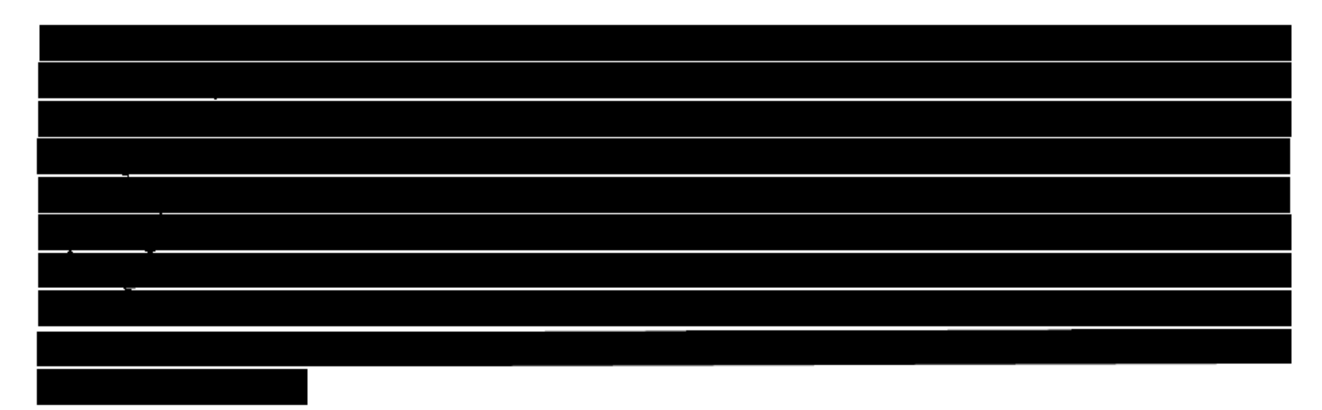
This case was the result of an Internal Affairs Bureau Force/Shooting Team call-out initiated to provide an immediate administrative investigation regarding employee actions prior to and during the assault of Inmate [redacted] in Module 2/A of the Pitchess Detention Center North Facility. Inmate [redacted] was found lying on the A dorm floor between bunks [redacted] bleeding and in an unresponsive state, apparently assaulted by a number of inmates. He was airlifted out from the Pitchess heli-pad and taken to Henry Mayo Newhall Memorial Hospital where he was determined to be in grave condition. A complement of eight Homicide Bureau detectives and a lieutenant were dispatched to the facility to conduct a criminal investigation.

The case involves allegations that Pitchess Detention Center North Facility (PDCN) Deputies [redacted] Martin and Smith either failed to provide continuous coverage at fixed posts and/or did not provide complete, accurate and truthful statements to their on-duty watch commander (Lieutenant Stephen Glennan) and while interviewed on the date of the incident by IAB sergeants who responded for this investigation.

All three subject deputies were assigned to the day shift at positions in Module 2 on the date of the incident. Deputy [redacted] was assigned as the Dormitory Control Officer (DCO) for the A/B side, Deputy Martin as the Module 2 Ranger 2 and Deputy Smith as the Module 2 Prowl 2. Witness Deputy [redacted] was assigned to the Module Control Officer (MCO) position for the same date and shift. A fifth employee, Witness Custody Assistant [redacted] was assigned to Module 2 in the C/D side DCO position. Both DCO and MCO positions are fixed posts by policy as stated in the PDCN duty statements (see **Exhibit I** for duty statements) and are not to be left unattended absent "exigent circumstances." These fixed posts are provided periodic relief by the deputies working the prowl and ranger positions in that module. (Refer to **Exhibit Q** for a diagram of PDCN Facility's module configuration).

The assault of Inmate [redacted] by multiple inmates in the rear, southeast corner of A dorm occurred while Subject [redacted] allegedly was not in the DCO but instead, was inside the MCO booth. Subjects Martin and Smith were also inside the MCO booth when inmates inside A dorm began to wave their hands, motion and yell through glass windows at personnel in the MCO, to advise them that there was a "man down" in their dorm. Subject Smith was the first of the employees to notice the inmates' alerting them and she exited the MCO with the other two subjects close behind her, to investigate what the inmates were signaling them about. (See **digitally time-stamped still photographs** of deputies' movement in Module 2 Center Core area in **Exhibit E**).

Statements made to Internal Affairs Bureau sergeants by Subjects Martin and Smith on the date of the incident contradict images (including digital time-stamps) captured on the Module 2 video surveillance system tape recording for the date and time the incident occurred. A cursory, preliminary review of the module video tape recording was viewed on the facility watch commander's monitor by Internal Affairs investigators just prior to Homicide detectives confiscating the tape as evidence on the evening of the incident. The recording viewed was of the "center core" common area of the module, which shows portions of the center core entry door from the MCO, the DCO entry door, the employee bathroom entry door off of the center core, and the immediate area just outside the dorm sally port, which provides entry and exit into the dorms. The recording reveals that none of the three subjects were inside the A/B DCO of Module 2. Rather, they (Subjects Smith, Martin and [redacted] were inside and can be seen responding to the "man down" situation in A Dorm, from the MCO booth. It is apparent in the surveillance tape that the A/B DCO, which is required to be manned, was unoccupied prior to and during the approximate time the assault took place.


[redacted]

Of the three subjects, only Subject Martin and Smith were interviewed the date of the incident, May 22, 2004. The third subject [redacted] opted to be represented at a later date. Two of the subjects ([redacted] and Martin) were interviewed at the Internal Affairs Bureau offices on May 27, 2004, both accompanied by a representative. Subject Smith was accompanied by a representative and re-interviewed on June 8, 2004. Some different and additional information was gleaned from the second interviews.

IAB Note: STILL PHOTOS FROM THE VIDEO SURVEILLANCE RECORDING [redacted]

The still photographs contained in **Exhibit E** are primarily from cameras overseeing Module 2's center core area. A few frames included in the exhibit were pulled from the A dorm interior camera. The frames included in this exhibit are the result of the IAB investigator working with a Technical Operations Unit technician to select representative frames from the facility's video tape recording from the date and time of the incident. The primary purpose is to show where deputies were located prior to, during and after the assault of Inmate [redacted]

The source video tape was placed into evidence by Homicide Bureau detectives and remains with that unit.

The following are summaries of all witness interviews conducted by Internal Affairs Bureau, reference to subject interviews, and other materials documenting the incident.

WITNESS INTERVIEWS - Employees

GLENNAN, Stephen H., [redacted] Lieutenant
PDC North Facility
[redacted]

Lieutenant Glennan was interviewed by Sergeant David Stunson on May 26, 2003, at approximately 1300 hours regarding his knowledge of the incident. He said he has been assigned to the North Facility since May 5, 2004. He said that the modules are supervised by himself, Sergeants and Bonus I Supervising deputies. He said it is common to permit an employee from a module to do a "chow run" to go purchase food from an off-facility restaurant and the times during the shift when it may be done may fluctuate. He approved a chow run for Module 2 on the date of the incident when the request was forwarded to him by the front desk. He did not recall what time the request was approved nor did he know who was designated from the module to make the run.

Witness Glennan said that PDC-North personnel are periodically briefed regarding general facility security and about staying at their fixed post positions. He said he was aware that recent briefings, conducted prior to Inmate [redacted] assault on May 22, 2004, included emphasis on incidents that had occurred recently at Men's Central Jail [murders of inmates by other inmates]. He also cited a recently sent email (May 13, 2004) to all personnel from the PDC-North Operations Lieutenant Conklin emphasizing facility security and mandating actual physical security checks inside the dorms (refer to **Exhibit F**).

He said that in preparation for responding to questions he anticipated from various Department Executives, he contacted Subject [redacted] at his DCO post and asked for a brief accounting of what had occurred. He was conducting a supervisory inquiry at the time. Subject [redacted] told him that there had been "about a two minute gap in between him bringing food back and he and Deputy Smith exchanging places from Deputy Smith leaving the DCO to go to the MCO, and him back to the DCO. He [redacted] had told this to me about 40 minutes after the incident when I inquired about the time line of the occurrence involving the inmate." He said that Subject [redacted] told him that "he

[redacted] called his partner over who was relieving him, Deputy Smith, to the MCO, and he said there was about two minutes between him and her when she came over and he went back to his Dorm Control Office and that's when the inmates signaled him that there was a man down."

Lieutenant Glennan said that following Subject [redacted] statements about how long he was away from the DCO, he reviewed the facility video surveillance system's tape recording of Module 2 during the time of the incident. He noted that according the digital time read out on the video tape, it appeared the DCO was unmanned for perhaps 17 minutes rather than the 2 minutes referred to by Subject [redacted] The interview was concluded.

[redacted]

[redacted], [redacted] Deputy
PDC North Facility
(661) 295-8840

Witness [redacted] was interviewed by Sergeant David Stunson at approximately 0630 hours on June 15, 2004, at the PDC-North operations lieutenant's office regarding her knowledge of the circumstances in the case. She said she was working as the Module 2 Module Control Officer (MCO) on day shift on May 22, 2004, the date of Inmate [redacted] assault. She stated that Subject [redacted] was assigned to the A/B DCO on that shift and that he had left the module early that afternoon to pick up food from an outside restaurant. He was relieved by module prowler Subject Smith.

Deputy [redacted] said that during that period of time that Subject [redacted] was out of the module, she was occupied with controlling entry and exit to the module for employees, visitors and inmates. She said that when Subject [redacted] returned with the food for himself and other module employees, he brought it into the MCO office. She said that she remembered Subject Smith leaving the A/B DCO and coming into the MCO office minutes later, but she was not sure how long it was between when Smith exited the DCO and entered the MCO. She said that Subject [redacted] was not in the DCO when Subject Smith left it to go do security checks elsewhere in the module. She was not certain how Subject [redacted] communicated (telephone, radio or intercom) to Subject Smith that Subject Smith was relieved from her relief period in the A/B DCO position.

The witness said that at some point while the four deputies (Subjects [redacted] Martin and Smith and Witness [redacted] were inside the MCO eating their food, first, Subject Smith and later Subjects Martin and [redacted] exited the MCO in response to being informed that there was some sort of problem in A Dorm. She later learned it was Inmate [redacted] assault. She said she did not see the assault on the MCO video monitors and she thinks that was because the setting for the camera was not fixed on the A Dorm area where the incident occurred. She said she only later learned that an inmate or inmates, somehow caught Subject Smith's attention to alert her to the incident occurring inside A Dorm.

When asked to estimate in minutes, how long of a period the DCO booth was unmanned leading up until the Inmate [redacted] assault incident was alerted by inmates to deputies inside the MCO, she said approximately 10 to 12 minutes. She also remembered that after Subject Smith vacated the A/B DCO to go elsewhere in the module, Subject [redacted] left the MCO, went to the bathroom, and then returned to the MCO to finish his meal.

[redacted], [redacted] Deputy
Technical Operations Detail
[redacted]

[redacted]

[redacted]

[redacted]

[redacted] [redacted] Custody Assistant
PDC North Facility
[redacted]

Witness [redacted] was interviewed by Sergeant David Stunson at 0610 hours on June 18, 2004, at PDC North Facility regarding his knowledge of the case. The witness confirmed he was assigned and working in Module 2, in the C/D side DCO on the date and time of the incident.

The witness was asked to explain where the other four Module 2 personnel were during the period preceding and during the assault which occurred in A Dorm of Module 2. He said he was not aware

of where they were because he was monitoring the C and D Dorms of the module. When asked if he knew who went on a chow run, he said he did not. He was asked if he submitted an order to whomever was coordinating the chow run and he said he did not and in fact, was not even asked if he was interested in placing an order for food prior to the chow run.

Witness [redacted] was asked how many personnel he saw inside the MCO booth and he said he was not paying attention and did not know. He was asked if he saw his four module coworkers together, inside the MCO at any time on May 22, 2004 and he said he did not notice. He said he became aware of the [redacted] assault when he heard one of the module deputies requesting via the radio, paramedics to respond regarding a man down.

[redacted] B-1 Deputy
PDC North Facility
[redacted]

Witness [redacted] was interviewed by Sergeant David Stunson at about 1325 hours on June 3, 2004, at PDC North Facility regarding his knowledge of the case and facility procedures. Deputy [redacted] said he has been assigned to Pitchess North Facility for approximately 14 years and has been a supervising Bonus I Deputy the entire time. He said that all supervisors are required to do walk-throughs of each module's MCO and DCO at least once per shift, and to note these checks in the Title 15 log books.

The witness said that additional attention to facility security and inmate welfare had recently been briefed to personnel as a result of the publicized inmate murders which occurred at Men's Central Jail. He said although there is policy in duty statements that require DCO personnel to remain inside the booth absent exigent circumstances, there are times when deputies are not in DCO booths when called out to perform various functions. He gave as an example, the module back door, which is key-operated. He said there have been times when both Rangers and Prowlers have been unavailable due to other duties they are performing, and the DCO officers have been called upon to leave their booth to go to the back door to use a key to open the back door. He said that even though this function was formally tasked to Prowlers and Rangers, he believed that due to shifting workload onto the Prowlers and Rangers caused by staffing reductions, DCO officers were utilized on occasions, to perform these tasks. He said it was not uncommon for an MCO officer to call a DCO officer to request they walk down the hall "real quick" to let someone in or out of the back door.

He also said that he recalls that over the years, it was not uncommon to "bust a box," vacate a DCO, to conduct dorm searches and/or to enable someone from the module to attend the briefings. He said recently, they have stopped doing that. They found that the inmates would notice an officer was not inside the booth and that is when incidents between inmates would occur. He said that he sensed that the more recent heightened awareness on security was adequately communicated to line personnel.

Witness [redacted] said that the chow relief times specified in the duty statements are not strictly adhered to due to varying workloads on various times of the week. He said it is not uncommon for personnel to have their chow breaks at times other than those specified in the duty statements.

WITNESS INTERVIEWS - Inmates housed at PDC-North Facility

Of the 99 inmates housed in Module 2, A dorm at the time of the Inmate [redacted] assault, a sampling of 27 of them were interviewed by Internal Affairs Bureau investigators following their interviews by Homicide investigators on May 22, 2004. The interviews were focused on the whereabouts of the module deputies at the time of the assault.

1. [redacted]



Inmate [redacted] said that he was sleeping in his bunk at the time of the incident and did not see the assault or where deputies were located.

2. [redacted]

He said he was in the dayroom and did not see the assault or where deputies were.

3. [redacted]

He said he was in his bed and did not see deputies or the assault.

4. [redacted]

Said he was brushing his teeth and did not see where deputies were at the time of the assault.

5. [redacted]

He said he was reading his paper and not aware of where deputies were at the time of the incident.

6. [redacted]

He said he was on his bunk and not watching where deputies were.

7. [redacted]

He said for part of the time he was at a visit and when he returned, was asleep on his bunk and did not see where deputies were or the assault.

8. [redacted]

He said he did not see where deputies were or see the assault.

9. [redacted]

He said he was sleeping and not aware of the incident of where deputies were.

10. [redacted]

He said he was in the shower and unaware of where deputies were.

11. [redacted]

He said that he saw a commotion and was one of the inmates who was banging on the A dorm window trying to get the attention of a deputy.

12. [redacted]

He said he was watching television when the incident occurred and did not see where deputies were.

13. [redacted]

He said he was in the shower and said he had a hard time trying to find a deputy.

14. [redacted]

He said he was eating on his bunk and did not know where deputies were at the time.

15. [redacted]

He said that when he went to his visit, he was "clicked" out of the dorm by the deputy in the MCO booth. He was not sure of the time.

16. [redacted]

He said that there was no deputy in the DCO booth at the time of the incident. He said inmates were banging on the glass of the dorm door to gain deputies' attention.

17. [redacted]

He said he was on his bunk at the time. Three inmates tried to get a deputy's attention for approximately three to five minutes before they responded.

18. [redacted]

He said he was in the shower and it took deputies two to three minutes to respond to the incident.

19. [redacted]

He said that he went to the sink in the front of the dorm to brush his teeth and he noticed that no one was inside the DCO booth for at least five minutes, possibly longer.

20. [redacted]

He said he was in the bathroom, on the toilet at the time of the incident. He said that dorm trustees were banging on the dorm gate window yelling "man down."

21. [redacted]

Said he was sleeping but remembered a female deputy occupying the DCO booth at the time when he woke up at an unspecified time.

22. [redacted]

He said he was in the day room and didn't notice if anyone was inside the DCO booth.

23. [redacted]

He said he was inside the day room watching television. He noticed two or three inmates banging on the windows yelling that there was a man down. He did not know where deputies were prior to their response.

24. [redacted]

He said he was in the day room watching television and he saw two or three inmates in the front of the dorm who were banging on the windows trying to gain deputies' attention for what he estimated was approximately two to three minutes.

25. [redacted]

Inmate [redacted] was a Spanish-only speaker and he was interviewed with the aid of translator Deputy [redacted], [redacted] Inmate Lopez said he was in the day room and not aware of the incident or deputies' whereabouts.

26. [redacted]

He said he was in the day room but he noticed two or three inmates who were "pounding on the glass" trying to get the deputies' attention regarding the man down.

27. [redacted]

He said he did not notice where the deputies were nor did he observe inmates banging on the windows.

SUBJECT INTERVIEWS

[redacted], [redacted] Deputy
PDC North Facility
[redacted]

Subject Deputy [redacted] was interviewed at the Internal Affairs Bureau offices on May 27, 2004 at 1000 hours by Sergeants David Stunson and Ben Garcia. He was represented by Green and Shine attorney Mitchell Kander. The interview was tape recorded.

For details of the interview, see the subject interview transcription for Subject [redacted]

MARTIN, Justin D., [redacted] Deputy
PDC North Facility
[redacted]

Subject Deputy Martin was initially interviewed as a witness on May 22, 2004, at approximately 2300 hours in the operations lieutenant's office at the Pitchess Detention Center North Facility by Sergeants Stunson and Gregg. The interview was tape recorded. The witness interview was subsequently terminated at the point when information Deputy Martin was providing, conflicted with information shown in a video tape recording viewed by the two interviewing sergeants prior to the interview. He was advised that he may be made a subject and then asked if he wanted to continue with a subject interview with or without a representative. He opted to decline answering any more questions without representation on that date and requested to be interviewed when he could schedule with his representative present.

For details of Subject Martin's witness interview, see the interview transcription for Deputy Martin.

For his subject interview, Deputy Martin was interviewed at the Internal Affairs Bureau offices on May 27, 2004 at 1100 hours by Sergeants David Stunson and Ben Garcia. He was represented by Green and Shine attorney Mitchell Kander. The interview was tape recorded.

For details of the interview, see the subject interview transcription for Subject Martin.

SMITH, Jody A.[redacted] Deputy
PDC North Facility
[redacted]

Subject Deputy Smith was interviewed as a subject on May 22, 2004, at approximately 2330 hours by Internal Affairs Bureau Sergeants David Stunson and Larry Gregg at the operations lieutenant's office at Pitchess Detention Center, North Facility. She participated in the interview without a representative. The interview was tape recorded.

See transcription of subject's first interview for details.

On June 8, 2004, at 1000 hours, at the North County Correctional Facility, Subject Jody Smith was interviewed a second time after she expressed an interest, through her attorney and chain of command, in clarifying statements she made in her first subject interview. Subject Smith was represented by Green and Shine attorney Mitch Kander for this interview. The interview was tape recorded.

For details of the interview, see the subject's second interview transcription for Subject Smith.



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 5, 2005

Deputy Jody Smith, [redacted]

Dear Deputy Smith:

You are hereby notified that it is the intention of the Sheriff's Department to reduce you in rank from your position of Deputy Sheriff, Item No. 2708A, to the position of Custody Assistant, Item No. 2749A.

An investigation under File Number IAB 2120085, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Pitchess Detention Center - North Facility Duty Statement #002 and/or Pitchess Detention Center - North Facility Duty Statement #003, and/or Unit Order #3-75-130, Hourly Dormitory Security Inspections*), on or about May 22, 2004, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by but not limited to:

   a) relieving the dorm officer for a lunch break and then failing to allow for proper relief when you left Dorms A and B unattended prior to the dorm officer returning from lunch, and/or;

   b) failing to enter your name into the Title 15 book as making the lunch relief, and/or;

c) failing to control the video surveillance system by locking the system into the "Center Dorm" position during an inmate incident.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/050.10, Performance to Standards, on or about May 22, 2004, during your Internal Affairs interview, you made false and/or misleading statements, as evidenced by, but not limited to:

a) that as you were entering the MCO, Deputy [redacted] was existing the MCO, and/or;

b) when you responded to the dorm for a "man down," Deputy [redacted] was inside the DCO, and/or;

c) you saw Deputy [redacted] heading towards the DCO and then open the door, and/or;

d) [redacted] was not in the MCO when you were in there, and/or;

e) you passed [redacted] as you went into the MCO at the first sally port, and/or;

f) [redacted] passed you as he went towards the DCO, and/or;

g) you were in the MCO between one and five minutes, and/or stating, "it wasn't only one minute, but it wasn't five minutes. You know somewhere in between there," and/or;

h) writing in the Title 15 Facility Log that at 1415 hours, you conducted a walk through security check of Dorms 2A and 2B, and/or;

i) [redacted] was inside the DCO at the time of the "man down" because he was the one who told you there was a "man down," and/or;

j) you did a visual check of Dorms A and B, and/or;

k) indicating that [redacted] was not in the MCO with you while you were in there to eat your food.

By indicating that you conducted security checks of Dorms A and B, you knowingly placed false information into the Title 15-Facility log. By your actions, you failed to conform to work standards established for your position as a Deputy Sheriff.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit Commander.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Sammy Jones on May 16, 2005, at 1000 hours, in his office, which is located at Twin Towers Correctional Facility, 450 Bauchet Street, Los Angeles, Room E801. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 16, 2005, for your oral response, please call Chief Jones' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Jones' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Jones' office by no later than May 16, 2005.

In addition, you may receive a copy of the material on which the discipline is based by contacting Angela Vargas of the Internal Affairs Bureau at (323) 890-5313, and arranging an appointment during the ten (10) day period in which you may respond.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Sammy Jones, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2120085)

In the intended discharge matter of)
)
Jody Smith, Employee No. 489609)
)
and)
)
the Los Angeles County Sheriff's Department)

SETTLEMENT AGREEMENT & RELEASE

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department and (hereinafter referred to as "Department") and Jody Smith (hereinafter referred to as "Smith").

RECITALS

The Department and Smith are parties to the intended demotion of Smith, IAB File No. 2120085, and desire to avoid litigation, and to settle all disputes and issues in said matter upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Smith, for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of this Agreement, the Department will rescind the intent to demote Smith, and will impose a 30-day suspension.

2. The charges in the Letter of Intent shall become the charges in the Letter of Imposition.

3. Both parties agree and understand that Smith's records will reflect that a thirty (30) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline".

4. Smith, upon execution of this Agreement, shall waive any and all future administrative and/or judicial remedies involving, arising from, connected to, or pertaining to the suspension. This waiver shall include, but not be limited to: appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission; and/or any charge, complaint or claim to the Equal Employment Opportunity Commission, Department of Fair Employment & Housing, any other administrative agency, and/or to any state or federal court of law.

///

5. The parties further agree that this settlement shall not be considered, cited or used in past, present, or future disputes involving as establishing past precedent or past employment practice; whether such disputes are made before administrative agencies, judicial agencies, or internal departmental units. This Agreement resolves the dispute between Mendez and the Department, and is not to be applied to any other facts or disputes. Smith
ZB · 04-21-05

6. In consideration of the terms and conditions set forth herein, Smith agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Smith concerning the subject matter referred herein. Additionally, Smith specifically waives claims regarding discrimination, harassment or retaliation in any form, including, but not limited to, discrimination, harassment or retaliation based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, or sex, and that she has no claim against the Department for any such discrimination

7. Each party hereto represents and agrees that she or it has carefully read and fully understands all of the provisions of the Agreement, and that she or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

8. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

///

///

JODY SMITH, #[redacted]
SETTLEMENT AGREEMENT

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Jody Annette Smith
Jody Smith, [redacted]
Deputy

06-01-05
Date

As to Form Only:

Mitchell S. Kander, Esq.
GREEN & SHINEE, APC

6/1/05
Date

For the Department:

Dennis Burns, Acting Chief
Custody Operations Division

6-7-05
Date

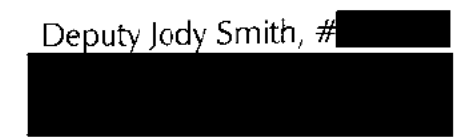


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

June 18, 2005



Deputy Jody Smith, #[redacted]

Dear Deputy Smith:

On May 5, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2120085. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of thirty (30) days effective June 19, 2005, through July 18, 2005.

An investigation under File Number IAB 2120085, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Pitchess Detention Center - North Facility Duty Statement #002 and/or Pitchess Detention Center - North Facility Duty Statement #003, and/or Unit Order #3-75-130, Hourly Dormitory Security Inspections*), on or about May 22, 2004, you failed to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department, as evidenced by but not limited to:

a) relieving the dorm officer for a lunch break and then failing to allow for proper relief when you left Dorms A and B unattended prior to the dorm officer returning from lunch, and/or;

b) failing to enter your name into the Title 15 book as making the lunch relief, and/or;

c) failing to control the video surveillance system by locking the system into the "Center Dorm" position during an inmate incident.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements; and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/050.10, Performance to Standards, on or about May 22, 2004, during your Internal Affairs interview, you made false and/or misleading statements, as evidenced by, but not limited to:

a) that as you were entering the MCO, Deputy [redacted] was existing the MCO, and/or;

b) when you responded to the dorm for a "man down," Deputy [redacted] was inside the DCO, and/or;

c) you saw Deputy [redacted] heading towards the DCO and then open the door, and/or;

d) [redacted] was not in the MCO when you were in there, and/or;

e) you passed [redacted] as you went into the MCO at the first sally port, and/or;

f) [redacted] passed you as he went towards the DCO, and/or;

g) you were in the MCO between one and five minutes, and/or stating, "it wasn't only one minute, but it wasn't five minutes. You know somewhere in between there," and/or;

h) writing in the Title 15 Facility Log that at 1415 hours, you conducted a walk through security check of Dorms 2A and 2B, and/or;

i) [redacted] was inside the DCO at the time of the "man down" because he was the one who told you there was a "man down," and/or;

j) you did a visual check of Dorms A and B, and/or;

k) indicating that [redacted] was not in the MCO with you while you were in there to eat your food.

By indicating that you conducted security checks of Dorms A and B, you knowingly placed false information into the Title 15-Facility log. By your actions, you failed to conform to work standards established for your position as a Deputy Sheriff.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Ray Leyva, Captain
Commander, Pitchess Detention Center North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RL:KM:av

c: Advocacy Unit
Sammy L. Jones, Chief, Custody Operations Divisior
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
PDC-North Facility/Unit Personnel File



LEROY D. BACA, SHERIFF

County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 7, 2005

Deputy Dustin Martin, #[redacted]

Dear Deputy Martin:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2120085, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/050.10, Performance to Standards, on or about May 22, 2004, during your Internal Affairs Bureau interview, you made false and/or misleading statements, as evidenced by, but not limited to:

   a) that the DCO was not staffed for approximately two or three minutes, and/or;

   b) during the two to three minutes that the DCO was not staffed, Deputy [redacted] did not get back to the DCO because the "inmate down" occurred, and/or;

   c) When [redacted] Smith and you were in the MCO, you were all together for "no longer than three minutes."

By your actions, you failed to conform to the work standards established for your position as a Deputy Sheriff.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Tajuana Moore of the Internal Affairs Bureau at [redacted] and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

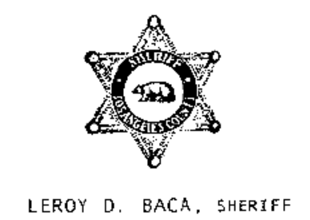
LEROY D. BACA, SHERIFF

Original Signed

Ray Leyva, Captain
Commander, Pitchess Detention Center - North Facility

RL:KM:tm

c: Advocacy Unit
Employee Relations Unit
Sammy L. Jones, Chief, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2120085)



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 12, 2005

Mr. Dustin Martin, #[redacted]
[redacted]

Dear Mr. Martin:

On May 7, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2120085. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you are suspended without pay from your position of Custody Assistant, Item No. 2749A, with this Department for a period of fifteen (15) days effective August 13, 2005 through August 27, 2005.

An investigation under File Number IAB 2120085, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/050.10, Performance to Standards, on or about May 22, 2004, during your Internal Affairs Bureau interview, you made false and/or misleading statements, as evidenced by, but not limited to:

   a) that the DCO was not staffed for approximately two or three minutes, and/or;

   b) during the two to three minutes that the DCO was not staffed, Deputy [redacted] did not get back to the DCO because the "inmate down" occurred, and/or;

c) When Llaury, Smith and you were in the MCO, you were all together for "no longer than three minutes."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Ray Leyva, Captain
Commander, Pitchess Detention Center - North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

RL:KM:tm

c: Advocacy Unit
Sammy L. Jones, Chief, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Mira Loma Detention Center/unit Personnel File